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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,927	01/11/2001	David Carroll Challener	RPS920000084US1	9620
58139	7590	11/25/2008		
IBM CORP. (WSM) c/o WINSTEAD SECHREST & MINICK P.C. P.O. BOX 50784 DALLAS, TX 75201			EXAMINER ABRISHAMKAR, KAVEH	
			ART UNIT 2431	PAPER NUMBER
			MAIL DATE 11/25/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: DAVID McMAHON, II

Application No. 09/758,927
Technology Center 2400

Mailed: November 25, 2008

Before Deborah L. Perry, Supervisory Paralegal Specialist, Review Team.
Perry, Supervisory Paralegal Specialist, Review Team.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 26, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF SUPPLEMENTAL APPEAL BRIEF

A Supplemental Appeal Brief was filed on March 2, 2007 in response to a Notification of Non-Compliant Appeal Brief mailed January 9, 2007. There is no evidence on the record indicating that the Examiner has considered the Supplemental Appeal Brief in accordance with 37 CFR CFR § 41.43.

Since the Supplemental Appeal Brief was filed to comply with the requirement of the Summary of Claimed Subject Matter, specifically mapping the independent claims to the specification, the Examiner may acknowledged the Supplemental Appeal Brief on a PTOL-90.

Consideration and acknowledgment is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) consider and acknowledge the Supplemental Appeal Brief filed March 2, 2007; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DLP

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